EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

Supreme Court, U.S.
FILED
SEP 8 1987
JOSEPH F. SPANIOL, JR.
CLERK

87-756

NO. .....

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1987

THOMAS LEE CHAPMAN

Appellant,

VS.

STATE OF FLORIDA

Appellee

On Appeal from the Supreme Court of Florida

JURISDICTIONAL STATEMENT

Rev. Thomas L. Chapman
(Representative of Myself)
3705 Glenoak Drive, So.
Lakeland, Florida 33809
(813) 858-2758

68 pp

QUESTIONS PRESENTED

1. Whether the Supreme Court has jurisdiction to rule in cases of violation of a Citizen of the United States Constitutional Rights of Freedom of Speech and Freedom of Religion, and reverse a lower court's ruling.

2. Whether one Judge should allow for Constitutional Rights of Freedom of Speech and Freedom of Religion and another Judge deny Freedom of Speech and Freedom of Religion.

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No. .....

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1987

THOMAS LEE CHAPMAN
Appellant,

VS.

STATE OF FLORIDA

Appellee.

On Appeal from the SUPREME COURT OF FLORIDA

JURISDICTIONAL STATEMENT

DECISIONS BELOW

The opinion of the Supreme Court of the State of Florida that the District Court of Appeal, Second District, did not declare invalid a State Statute or provision of the State Constitution, and that,therefore, it is without jurisdiction, this appeal was dismissed by Supreme Court of Florida.

JURISDICTION

The final judgement of the Supreme Court of Florida from which appeal is taken was entered on May 11, 1987 and the order of the Supreme Court of Florida denying a timely Motion for discretionary review was entered July 13, 1987, The notice of appeal to this Court from the Judgement of the Supreme Court of Florida (Appendix D-2 D-3 D-4) was filed August 3, 1987, with a copy filed the same day in Supreme Court of Florida, the Court possessed of the record.

Jurisdiction of this appeal is conferred upon this Court by Guide to U.S. Supreme Court Methods of Appeal the Court is under more obligation to accept and decide a case which comes on appeal. As construed and applied by the Supreme Court of Florida, the highest court below in which a decision could be had, this statue is repungnant to the Constitution and laws of the United States. This construction and application was challenged and drawn into questions below.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment 1.

(Appendix E-1)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Constitution of the State of Florida
Declaration of Rights
Article 1 Section 3 - Religious Freedom

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof,

Article V Section 4 - Freedom of Speech and Press

Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right, No law shall be passed to restrain or abridge the liberty of speech or of the press.

STATUTES INVOLVED

Section 26.42 of the Code of the City of Lakeland, Florida, declaring that it is unlawful to make any speeches without first obtaining a permit from the city manager and granting the city manager "the right to cancel the permit when it seems advisable " violates the rights of the citizen granted by the State and Federal Constitution (Appendix F-2)

STATEMENT OF THE CASE

I, this day in regards to this case submit this Jurisdictional Statement that the lower courts have been found in bad judgement at least three times, the first time on April 24, 1986, I was arrested in Munn's Park, Lakeland, Florida, where I was preaching the Gospel of Our Lord Jesus and was charged with Breach of Peace. I was summoned to Court on May 12, 1986, to plead guilty or not guilty; the court

already had their minds made up, Judge Murphy said she thought I needed re-evaluated, just because I was using the Lord Jesus as my Attorney, the Prosecuting Attorney Mr. Wilson, had to stop her and told her I was found to be an outstanding citizen in the Community, besides that the law reads every citizen is innocent till proven guilty.

I again went to Court before Judge Murphy in County Court on June 2, 1986, and Judge Murphy failed to acknowledge my Constitutional Rights stated in a Notice of No Bill (Appendix F-1 F-2) I received from the State Attorney's Office in Bartow, FL.

Judge Murphy found me guilty and charged me $101.00 Court Cost and six-months probation.

I then appealled the case to County Court (Appendix A-1 thru A-16) then to Second District Court of Appeal and immediately I received a Docketing letter from County Court (Appendix G-1) so I went to an Attorney Michael E. Raiden At Second District Court of Appeal to see why

I was being summoned back to County Court while I was in Second District Court of Appeal and he didn't even know what the letter was about, so I then proceeded to Tampa, Florida to another Private Attorney, Steve Gardner, and I informed him that I was in an appeal at Second District Court of Appeal, Lakeland,FL., and he said that someone had erred, that Docketing Letter meant it was the first time for the case in Court. He also informed me that when I stood before Judge Andrews and when the Judge asked me if I know why I was in Court I was to tell the Judge, No! because somebody had made a mistake because of the contents of the letter and I was in an appeal at Second District Court of Appeals and the Judge would act accordingly; also I was to ask the Judge for assurance that I would not receive anymore Docketing Letters as long as my case remained in appeal; but if it please this Court, the Judge Andrews was a very, very rude Judge. All he wanted to do is to

tell me to shut my mouth, I had to almost shout to get him to listen to what I had to say, when he findly came off his high power seat he did what the Attorney Steve Gardner told me he would do, except promise me no more Docketing Letter, I'm still having to go to Court over this case (Appendix G-4)

I therefore, request that this Court overturn the $101.00 Court Costs fine and the six-months probation on the grounds that the Lower Courts have made very poor judgement in this case by no recognition of my Constitutional Rights of Freedom of Speech and Freedom of Religion.

I have petitioned the Supreme Court of Florida for review of Second District Court of Appeal, citing enough information supporting reversal of the lower courts fine and six-months probation but the Supreme Court of Florida denied the petition for discretionary review without opinion. (Appendix C-12)

GROUNDS FOR PLENARY CONSIDERATION

This case presents substantial questions as to violation of my Rights of Freedom of Religion and Freedom of Speech as outlined in the Florida Constitution and The Constitution of the United States.Amendement 1. (Appendix E-1 ; E-2 ; E-3)

SUMMARY OF ARGUMENT FOR PLENARY REVIEW

The State of Florida has imposed a significant burden by charging me with Breach of Peace and Court Costs of $101.00 and six-months probation when all I was doing was exercising my Constitutional Rights of Freedom of Speech and Freedom of Religion.

CONCLUSION

Dismissal of this appeal would invite the States to.

1. impose stiff fines on citizens of the United States and probations and prison terms for merely exercising his Constitutional

Rights of Freedom of Speech and Freedom of Religion.

Probable jurisdiction should be noted. Indeed, it may be appropriate for this Court to reverse summarily given the clear discrepancy of this case and the decision of the Courts.

If, however, the Court determines its jurisdiction to hear the case on appeal or to reverse summarily, the questions presented are substantial that certiorari should be granted.

Respectfully submitted,

Rev. Thomas L. Chapman
3705 Glenoak Drive, So.
Lakeland, FL. 33809

September 4, 1987

APPENDIX A

CERTIFIED FOR PUBLICATION

IN THE CIRCUIT COURT, APPELLATE DIVISION

IN AND FOR POLK COUNTY, STATE OF FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

On Appeal from County Court of Polk County Florida, Honorable Carol C. Murphy, Presiding Judge

CASE # MM86-0693A1-LD

NOTICE OF APPEAL TO

CIRCUIT COURT, APPELLATE DIVISION

IN AND FOR POLK COUNTY, STATE OF FLORIDA

Rev. Thomas L. Chapman

3705 Glenoak Drive, South

Lakeland, FL. 33809

(Representative of Myself)

Filed June 24, 1986

E.D. "Bud" Dixon, Clerk

APPENDIX A

NOTICE OF APPEAL

My arrest of April 25, 1986, in Munn Park, Lakeland, Florida, was in violation of order given by Court in CASE NUMBER MM83-0589A1-LD STATE OF FLORIDA VS. THOMAS LEE CHAPMAN-- The Lakeland Police Department was ordered by the Court Not to bother me after I have started ministering in Munn Park (where I have been ministering the gospel for the past twelve years). Also, the Lakeland Police Department--as ordered in the same case number--that the Lakeland Police Department was to regulate the volume and on two occasions, the Lakeland Police Department checked my sound system and they said they did not believe it to be too loud.

Upon my appearance in Court, on May 12, 1986, My Rights were read to me in the Court Room by Judge Murphy where I was only to plead guilty or not guilty (Not at the time of my arrest in Munn Park by Lakeland Policy Department). Also, on that date Judge Murphy

APPENDIX A

remarked that I needed to be evaluated and the Court's mind was already made up at that time that I was guilty. It is not for the Court to pronounce judgement on me on the court date to plead guilty or not guilty.

The Lady at Arts in the Park in Lakeland is supposed to be the one that filed the complaint against me: Arts in the Park is in charge of Fall Festival in Munn Park each year; they also receive federal funding, and their dislike for the gospel causes them to have the thoughts against my appearance in Munn Park. Arts in the Park does not own Munn Park, it is a public park, neither should they have the authority to regulate who is in the park and who is not in the park--All kinds of activities go on all through the year in Munn Park with speakers much louder than mine; but the world loves its own.

In reference to CASE NUMBER M081-1096-LD, STATE OF FLORIDA VS. THOMAS L. CHAPMAN,

APPENDIX A

Virgil F. Compain, Assistant State Attorney, stated: Under Florida Constitution, every citizen has the right to publish his sentiments and no law should restrain or abridge his liberty of speech. The defendent in this case was exercising his constitutional right and was not in any manner or fashion uttering words that their very nature involved danger to the public peace or to the security of the State; the defendent was preaching the gospel of the Lord-- for your information I was again preaching the gospel when arrested on April 25, 1986.

Therefore; I am requesting this appeal of this case and request the Court to reverse the decision and change the verdict to NOT GUILTY IN LIEU OF GUILTY and the Court Costs of $101.00 charge be dismissed and the six months probation be also dismissed as no evidence was presented to the Court that should cause the Court to find me guilty.

Dated: June 24, 1986 Rev. Thomas L.Chapma

Filed June 24, 1986 E.D."Bud" Dixon, Clerk

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY,FLORIDA

THOMAS LEE CHAPMAN

Appellant,

vs. APPEAL CASE NO.N-96

STATE OF FLORIDA,

Appellee.

NOTICE TO DISMISS

The above appeal was filed on June 24,1986. The appellant has taken no action in the appeal except for the filing of a transcript on September 29, 1986. No extensions have been requested nor given. This cause shall be dismissed upon the expiration of ten (10) days as provided for in Rule 9.410, Florida Rules of Appellate Procedure.

DONE AND ORDERED at Bartow, Polk County,Florida, this 17th day of November, 1986.

Oliver L. Green,Jr.

Circuit Judge

Copies Furnished:

Thomas Lee Chapman

3705 Glenoak Dr.,So.Lakeland,FL. 33809

State Attorney's Office

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO. N-96

STATE OF FLORIDA,

Appellee.

ORDER OF REASSIGNMENT

In order to relieve the backlog currently existing in the Appellate Division of the Circuit Court, it is

ORDERED AND ADJUDGED that this case is reassigned to Section 09, the Honorable Oliver L. Green, Jr., presiding.

DONE AND ORDERED at Bartow, Polk County, Florida,this 5th day of November, 1986.

William A. Norris, Jr. Chief Judge

copies furnished to:

Thomas Lee Chapman

3705 Glenoak Drive,So.,Lakeland,FL. 33809

State Attorney

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY,FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO.N-96

STATE OF FLORIDA,

Appellee,

REQUEST FOR EXTENSION

This is to acknowledge receipt of Notice to Dismiss the above appeal, dated November 17,1986, at the expiration of ten (10) days, signed by Oliver L.Green,Jr., Circuit Judge; along with copy of Order of Reassignment dated November 5, 1986, signed by William A. Norris,Jr. Chief Judge --NO COPY PREVIOUSLY RECEIVED BEFORE TODAY.

Thomas Lee Chapman is currently in the Country of Jamaica on a missionary crusade and scheduled to return December 3,1986, and this is to request extension till December 13,1986 to allow for further action.

Dated: November 18,1986 Mrs. Thomas L.Chapman

COPY TO: Office of the State Attorney

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO.N-96

STATE OF FLORIDA,

Appellee.

ORDER GRANTING EXTENSION

This cause came on upon Request for Extension filed in behalf of the Appellant. Dismissal will be imposed on December 15, 1986 unless the Appellant can show good cause for continuing prosecution.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida this 21st day of November,1986.

Oliver L. Green,Jr.,

Circuit Judge

Copies furnished:

State Attorney

Thomas Lee Chapman

3705 Glenoak Drive,So.,Lakeland, FL. 33809

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY,FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO. N-96

STATE OF FLORIDA

REQUEST TO CHANGE SENTENCE

I, Rev. Thomas L. Chapman, do this day file a motion to the charge of Breach of Peace, that the Court stand behind the Constitution of the United States AMMENDMENT 1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

I, Rev. Thomas L. Chapman, was therefore exercising my Constitutional Rights and using no words that would be breaching of any peace or breaking any law; for no law should even be made against the Preaching of the Gospel of Jesus Christ; therefore,I request

APPENDIX A

that the Court re-examine my case on date, I, Rev. Thomas L. Chapman, appeared before Judge Murphy to plead guilty or not guilty and Judge Murphy tried to pronounce judgement on me that day by saying she thought I needed re-evaluating; I highly resent that remark because the law reads that any man is innocent till proven guilty.

I am requesting an apology from the Court and I will accept that apology by reversal of the verdict of guilty to not guilty and dropping Court Costs fine $101.00 and dropping the six-months probation as no evidence was presented to the Court that should cause the Court to find me guilty.

Dated December 9, 1986

Rev. Thomas L. Chapman

Copy; State Attorney

original- Oliver L. Green,Jr.,Circuit Judge

APPENDIX A

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN,
Appellant,

vs. APPEAL CASE NO. N-96

STATE OF FLORIDA,
Appellee.

INITIAL RESPONSE OF APPELLEE

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and responds as follows:

1. The trial in this case presented sufficient cause for conviction and sentence.
2. The Defendent fails to raise any issues of legal significance.

THOMAS D. WILSON, ASSISTANT STATE ATTORNEY
109 N. Kentucky Av., Lakeland,FL. 33801

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by U.S.Mail this 18th day of December,1986,to Thomas L.Chapman,3705 Glenoak Dr.,So. Lakeland,FL. 33809

THOMAS D. WILSON, ASSISTANT STATE ATTORNEY

APPENDIX A

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO. N-96

STATE OF FLORIDA

Appellee.

RESPONSE TO INITIAL RESPONSE OF APPELLEE

I, Rev. Thomas L. Chapman, request in writing the sufficient cause for conviction and sentence as presented by State of Florida in the trial as outlined in item #1; also, I request the name of all witnesses that were present in Munn Park at the time of my arrest April 25, 1986, and also was present in the Court Room on June 2, 1986. Also, as outlined in item #2 - I am a citizen of the United States of America and the Constitution of the United States of America is the legal significance in this case AMENDMENT 1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise therof; or abridging the freedom of speech or of the press;

APPENDIX A

or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Dated December 30, 1986

REV. THOMAS L. CHAPMAN

Original sent- Office of State Attorney, Assistant

Copy- Office of State Attorney

Copy- Oliver L. Green, Jr., Circuit Judge

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN

Appellant,

vs. APPEAL NO. N-96

STATE OF FLORIDA

Appellee.

ORDER DENYING MOTION FOR REHEARING

The Appellant, THOMAS LEE CHAPMAN, filed a Response of Appellee, requesting "sufficient cause for conviction and sentence." This pleading is treated as Motion for Rehearing, and the same should be and is hereby DENIED.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida, this 6th day of January, 1987.

OLIVER L. GREEN, JR.

CIRCUIT JUDGE

COPIES FURNISHED:

Office of State Attorney

Thomas Lee Chapman

APPENDIX A

IN THE CIRCUIT COURT OF POLK COUNTY,FLORIDA

THOMAS LEE CHAPMAN,
Appellant,

vs. APPEAL NO. N-96

STATE OF FLORIDA,
Appellee. OPINION

ORDER AFFIRMING JUDGEMENT AND SENTENCE

THIS COURT improvidently entered an Order Denying Motion for Rehearing whereas no prior Order Affirming Judgement and Sentence was previously entered. The pleadings filed by Appellant are difficult to classify,however, all of the Appellant's pleadings are treated as briefs. The Judgement and Sentence from which this appeal is taken is affirmed.

DONE AND ORDERED in chambers at Bartow, Polk, County,Florida, this 9th day of January,1987,

OLIVER L. GREEN,JR.,CIRCUIT JUDGE

Copies furnished: Office of State Attorney

Thomas Lee Chapman

FOOTNOTE:
The Appellant proceeds without counsel.It is generous to say the Appellant has appealed from the Judgement and Sentence. In fact,the Notice of Appeal makes no such designation.

STATE OF FLORIDA, COUNTY OF POLK,CERTIFIED TO BE A TRUE COPY OR ORIGINAL,THIS January,13,1987

By Deputy Clerk

APPENDIX A

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA

THOMAS LEE CHAPMAN,

Appellant,

vs. APPEAL CASE NO. N-96

STATE OF FLORIDA,

Appellee.

RESPONSE TO APPELLANT'S "RESPONSE TO INITIAL RESPONSE"

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and responds as follows:

1. The State waives all further argument.

THOMAS D. WILSON
ASSISTANT STATE ATTORNEY
109 N.Kentucky Av.
Lakeland, FL. 33801

copy furnished: Thomas L. Chapman by U.S.Mail January 12, 1987.

THOMAS D. WILSON
ASSISTANT STATE ATTORNEY

APPENDIX B

IN THE SECOND DISTRICT COURT

OF APPEAL , LAKELAND, FLORIDA

CASE NO. 87-364

THOMAS LEE CHAPMAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee,

On Appeal from the Circuit Court,Appellate Division In and For Polk County - State of Florida - Case No. N-96- Hon. Judge Oliver L. Green,Jr. Circuit Judge

---

NOTICE OF APPEAL TO THE

SECOND DISTRICT COURT OF APPEAL

Rev. Thomas L. Chapman

3705 Glenoak Dr.,So.,Lakeland,FL. 33809

(Representative of Myself)

Filed: February 5, 1987

District Court of Appeal,William A. Haddad, Clerk, District Court of Appeal, Second District

APPENDIX B

NOTICE OF APPEAL

I, Rev. Thomas L. Chapman, do this day file Notice of Appeal to the charge of Breach of Peace, that the Court stand behind the Constitution of the United States AMENDMENT 1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

I, Rev. Thomas L. Chapman, was therefore exercising my Constitutional Rights and Ministering the Gospel of the Lord Jesus Christ in Munn Park, Lakeland, Polk County, Florida, and using no words that would be breaching of any peace or breaking any law; for no law should even be made against the Preaching of the Gospel of Jesus Christ; therefore, I request the Court re-examine

APPENDIX B

my case where on May 12, 1986, I appeared before Judge Murphy In the County Court Division of Polk County, Florida, Case No. MM86-693A1-LD, to plead guilty or not guilty and Judge Murphy tried to pronounce judgement on me that day by saying she thought I needed to be re-evaluated--I highly resent that remark because the law reads that any man is innocent till proven guilty.

I filed an Appeal in the Circuit Court, Appellate Division, In and for Polk County, State of Florida--APPEAL CASE NO. N-96 only to be denied.

The Court has made an error which hindered proper Judgement and Sentence in this case.
Dated February 5, 1987

Rev. Thomas L.Chapman

APPENDIX B

IN THE SECOND DISTRICT COURT OF APPEAL

LAKELAND, FLORIDA

FEBRUARY 16, 1987

THOMAS LEE CHAPMAN,
Appellant/Petitioner,

v. CASE NO. 87-364

STATE OF FLORIDA,
Appellee/Respondent.

Upon Consideration, it is

ORDERED that the notice of appeal filed in the above case is hereby treated as a petition for writ of certiorari and petitioner shall file his petition and appendix in this court within ten (10) days.

A TRUE COPY

ATTEST: William A. Haddad, CLERK
DISTRICT COURT OF APPEAL
SECOND DISTRICT

c: Rev. Thomas L. Chapman
Attorney General/enclosure
E.D. Dixon, Clerk

APPENDIX B

IN THE SECOND DISTRICT COURT OF APPEAL

LAKELAND, FLORIDA

THOMAS LEE CHAPMAN,
Appellant/Petitioner,

v.

STATE OF FLORIDA,
Appellee/Respondent.

PETITION

I, Rev. Thomas L. Chapman, do this day file this petition that on the 9th day of January, 1987, I was denied an appeal by Judge Oliver L. Green, Jr. Circuit Judge, concerning my case Breach of Peace while I was preaching the Gospel of Our Lord Jesus Christ.

I am filing this petition this day saying that Judge Oliver L. Green, Jr.,Circuit Judge, denied my appeal and refused to turn charges around because he found my words difficult to classify and that I proceeded without counsel.

It is generous to say that Judge Oliver L.

APPENDIX B

Green, Jr. was not interested in whether or not the truth was spoken or foul play had been done in the Court Room or that the Constitution of the United States gives me freedom of religion and speech; he was only interested that I was without counsel and proceeded in my own representation.

I file this petition to say that the Constitution of the United States says that I have the right to defend myself and it is not against the law for me to do so; therefore, I expect the Second District Court of Appeal to hear my words in this matter and honor my request for there has been no law broken by me.

Dated February 25, 1987

Rev. Thomas L. Chapman

cc/Attorney General

APPENDIX B

APPENDIX

DATE FILED:

6-24-86 APPEAL CASE NO.N-96;APPEAL VOLUME I CIRCUIT COURT, APPELLATE DIVISION IN AND FOR POLK COUNTY STATE OF FLORIDA

9-23-86 MOTION OF REQUEST FOR JUDGE SUSAN ROBERTS TO HEAR APPEAL

10-8-86 JUDGE ROBERTS DENIAL OF MY REQUEST

11-17-86 NOTICE TO DISMISS

11-5-86 ORDER OF REASSIGNMENT

11-18-86 REQUEST FOR EXTENSION

11-21-86 ORDER GRANTING EXTENSION

12-9-86 REQUEST TO CHANGE SENTENCE

12-18-86 INITIAL RESPONSE TO APPELLEE

12-30-86 RESPONSE TO INITIAL RESPONSE OF APPELLEE

1-6-87 ORDER DENYING MOTION FOR REHEARING

1-9-87 ORDER AFFIRMING JUDGEMENT AND SENTENCE

1-12-87 RESPONSE TO APPELLANT'TS "RESPONSE TO INITIAL RESPONSE"

1-28-87 MANDATE FROM CIRCUIT COURT THE TENTH JUDICIAL CIRCUIT COURT OF THE STATE OF FLORIDA

2-9-87 NOTICE OF COURT DATE-COUNTY BRANCH COURT-FEBRUARY 24, 1987

2-24-87 NOTICE TO REAPPEAR-COUNTY COURT OF POLK COUNTY-MAY 26, 1987

APPENDIX B

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT - CASE NO. 87-364

THOMAS LEE CHAPMAN,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

Opinion filed March 20, 1987

Petition for Writ of Certiorari to the Circuit Court for Polk County;

Oliver L. Green,Jr. Judge

Thomas Lee Chapman, pro se.

PER CURIAM.

Petition for writ of certiorari denied.

RYDER, A.C.J., AND LEHAN AND HALL,JJ.,CONCUR

APPENDIX C

IN THE FLORIDA STATE SUPREME COURT

TALLAHASSEE, FLORIDA

THOMAS LEE CHAPMAN,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Appeal from the District Court of Appeal of Florida, Second District -Case No.87-364

NOTICE OF APPEAL TO SUPREME COURT OF THE STATE OF FLORIDA

Rev. Thomas L. Chapman

3705 Glenoak Drive,So.,Lakeland, FL. 33809

(Representative of Myself)

Filed: May 4, 1987, In District Court of Appeal, Lakeland, Florida

Received May 6, 1987, Sid J. White Clerk, Supreme Court of Florida

APPENDIX C

NOTICE OF APPEAL

To the Florida State Supreme Court, I, Rev. Thomas L. Chapman do this day state my appeal

The Second District Court of Appeal refused to turn my case around simply because I am without an Attorney, I am defending myself which is my Constitutional Right if I so desire.

The Second District Court of Appeal also refused to acknowledge that in the Court on the day that Judge Murphy made a very bad mistake simply because I was using Jesus Christ as my Attorney which caused her to make an unjust judgement in my case; Also the Second District Court of Appeal refused to acknowledge that Judge Oliver L. Green, Jr. in Appellate Court, Polk County, denied my appeal simply because he found my words hard to classify and I was without Counsel.

Therefore, this day I do file my appeal and

APPENDIX C

respectfully request the Florida State Supreme Court hear my words for I have broken no law only exercising my Constitutional Rights, I am preaching the Gospel of Our Lord Jesus Christ.

If it please the Court, every Attorney that I have talked to has told me that I have a good case and from what they can tell about my case, I am only being harrassed.

Also, I respectfully request the Court to acknowledge my Constitutional Rights of Freedom of Religion provided by the Florida Constitution and the Constitution of the United States and the fact that the Court has made an error which hindered proper judgement in the above styled case be taken in consideration in judging this case.

Dated: April 27, 1987

Rev. Thomas L. Chapman

APPENDIX C

IN THE SUPREME COURT OF FLORIDA

(Case No. 70,488)

District Court of Appeal,

2nd District - NO. 87-364

THOMAS LEE CHAPMAN

Appellant,

v.

STATE OF FLORIDA,

Appellee

It appearing to the Court that the District Court of Appeal, Second District, did not declare invalid a State Statue or a provision of the State Constitution, and that, therefore, it is without jurisdiction, this appeal is hereby dismissed subject to reinstatement if jurisdiction is established on proper motion filed within fifteen (15) days from the date of this order.

See Article V, Section 3 (b)(1), Florida Constitution

APPENDIX C

Filed: Monday May 11, 1987

Sid J. White, Clerk Supreme Court

---

cc/ Hon. William A. Haddad, Clerk

Hon. Oliver L. Green, Jr. Judge

Hon. E.D. Dixon, Clerk

Rev. Thomas L. Chapman

Hon. Robert A. Butterworth

APPENDIX C

MOTION FOR DISCRETIONARY REVIEW

I hereby respectfully address the Court to request the Court review the above styled case under a discretionary review as outlined in the Florida Constitution.

Constitution of the State of Florida
Article V. Section 3 (b) Jurisdiction (4)

> May review any decision of district court of appeal that passes upon a question certified by it to be of great public importance.

THIS CASE IS OF GREAT PUBLIC IMPORTANCE- VIOLATION OF FREEDOM OF RELIGION AND FREEDOM OF SPEECH AS OUTLINED IN THE FLORIDA CONSTITUTION.

Constitution of the State of Florida
Article 1 Section 3 - Religious Freedom

> There shall be no law respecting the establishment of religion or prohibiting

APPENDIX C

or penalizing the free exercise thereof,

Article V Section 4-Freedom of Speech and Press

> Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.

My arrest of April 25, 1986, in Munn Park, Lakeland, Florida, was in violation of order given by the Court in CASE NUMBER MM83-0589A1-LD STATE OF FLORIDA VS. THOMAS LEE CHAPMAN--The Lakeland, Police Department was ordered by the Court Not to bother me after I have started ministering in Munn Park (where I have been ministering the gospel for the past thirteen years).

APPENDIX C

Also, the Lakeland Police Department -- as ordered in the same case number -- that the Lakeland Police Department was to regulate the volume and on two occasions, the Lakeland Police Department checked my sound system and they said they did not believe it to be too loud.

Upon my appearance in Court, on May 12,1986, My Rights were read to me in the Court Room by Judge Murphy where I was only to plead guilty or not guilty (Not at the time of my arrest in Munn Park by Lakeland Police Department). Also, on that date Judge Murphy remarked that I needed to be evaluated (simply because I was using Jesus Christ as my Attorney) and the Court's mind was already made up at that time that I was guilty. It is not for the Court to pronounce judgement on the Court date to plead guilty or not guilty.

Sherry Uphoff, the Lady at Arts in the Park,

APPENDIX C

Lakeland is the one filing the complaint against me; Arts in the Park is in charge of Fall Festival in Munn Park each year; they also receive federal funding and their dislike for the gospel causes them to have thoughts against my appearance in Munn Park, Arts in the Park does not own Munn Park, it is a public park, neither should they have the authority to regulate who is in the park and who is not in the park -- All kinds of activities go on all through the year in Munn Park with speakers much louder than mine; but the world loves its own.

In reference to CASE NUMBER MO81-1096-LD, STATE OF FLORIDA VS. THOMAS LEE CHAPMAN-- Virgil F. Compain, Assistant State Attorney, stated; Under Florida Constitution, every citizen has the right to publish his sentiments and no law should restrain or abridge his liberty of speech. The

defendant in this case was exercising his Constitutional Right and was not in any manner or fashion uttering words that their very nature involved danger to the public peace or to the security of the State; the defendant was preaching the gospel of the Lord -- for your information I was again preaching the gospel when arrested on April 25, 1986.

Therefore, I am requesting this Court review the case and reverse the decision and change the verdict to NOT GUILTY IN LIEU OF GUILTY and the Court Costs of $101.00 charge be dismissed and the six-months probation be also dismissed as I have broken no law only exercising my Constitutional Right.

Also, I was summoned to Court to appear on February 24, 1987, before Judge Andrews regarding this same case while my case was in District Court of Appeal and when I appeared before him he was a very rude Judge, he did want to hear my words--SEE STATEMENT OF ACTIONS

APPENDIX C

OF JUDGE ANDREWS BY JAMES LEMAY.

The decision of the District Court of Appeal "Per Curiam". Petition for writ of certiorari denied. should be reviewed if this Court will grant this motion for discretionary review of this case.

Please advise me of the Court's decision.

Dated May 22, 1987 Rev.Thomas L.Chapman

cc/ Hon. William A. Haddad, Clerk

Hon. Oliver L. Green,Jr.,Judge

Hon. E.D. Dixon, Clerk

Supreme Court of Florida

Hon. Robert A. Butterworth

Received by Sid J. White, Clerk,Supreme Court of Florida Motion for Discretionary Review treated as Motion for Reinstatement

APPENDIX C

IN THE SUPREME COURT OF FLORIDA

CASE NO. 70,488

2d District - NO. 87-364

THOMAS LEE CHAPMAN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

Upon consideration of the Motion for Discretionary Review filed in the above cause by appellant and treated as a Motion for Reinstatement,

IT IS ORDERED that said Motion be and the same is hereby denied.

Dated Monday, July 13, 1987

Sid J. White, Clerk Supreme Court

TC

cc: Hon. William A. Haddad, Clerk
Hon. Oliver L. Green, Jr. Judge
Hon. E.D. Dixon, Clerk

Rev. Thomas L. Chapman
Hon. Robert A.Butterworth

APPENDIX D

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS LEE CHAPMAN,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

On Appeal From the Supreme Court of Florida

(Supreme Court Case NO. 70,488)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Rev. Thomas L. Chapman

3705 Glenoak Drive,So.,Lakeland,FL.33809

(Representative of Myself)

Filed: August 3, 1987

Sid J. White, Clerk, Supreme Court of Florida

By: Betsy Hill, Deputy Clerk

APPENDIX D

NOTICE OF APPEAL

I, Rev. Thomas L. Chapman, do this day address the United States Supreme Court whether in proper form or not, judge within yourselves.

I now plead my case that a very bad mistake has been made in the Court Room and no one seems to have knowledge to correct it; so far all the Court System seems to be interested in is that I'm not being represented by an Attorney or I don't have my appeal in proper form.

Well, Gentlemen, I am not concerned about forms or case numbers that you might be able to punch the right number into a computer, but I am interested that I, Rev. Thomas L.Chapman, present the truth to the Court and somebody will have enough knowledge and wisdom to hear it and the truth is - Over a year ago, I was singing and preaching the Word of Our Lord Jesus Christ in Munn's Park (a public park) in Lakeland, Florida (where I have been for

APPENDIX D

the past twelve years doing the same thing) and I was stopped by the Police and arrested and summoned to Court where I tried to use Jesus Christ as my Attorney, I was found guilty of Breach of Peace and fined $101.00 and 6-months probation.

So I appeal my case-because the Constitution says I have the right to the Freedom of Speech and Freedom of Religion and no law shall be made abridging that right, so, Gentlemen, I have broken no laws so judge within yourselves, Ladies and Gentlemen of the Court. I have been preaching the Word of God upon which this Country was founded and this great Constitution was written.

I contacted a Public Defender, he informed me somebody had made a bad mistake but I couldn't receive his services because of too much difficulty.

APPENDIX D

I also contacted another Private Attorney, he informed me it would cost $5,000. but he didn't want to be the Monkey Wrench to cog up the system.

I am requesting this Court to overturn the decision of the Supreme Court of Florida and review the case and overrule the County Judge Carol Murphy's (Lakeland, Florida) decision that fined me $101.00 and 6-months probation for Breach of Peace; when all I was doing was exercising my Constitutional rights of Freedom of Speech and Freedom of Religion; TO ALLOW THIS DECISION TO STAND WOULD BE JUST TAKING THE STARS AND STRIPES OFF THE AMERICAN FLAG.

Dated: August 3, 1987

By Rev. Thomas L. Chapman

APPENDIX D

PROOF OF SERVICE

I, Rev. Thomas L. Chapman, representing myself, hereby certifies that on the 3rd day of August, 1987, I made an appearance in the Clerk's Office of the Supreme Court of Florida, Tallahassee, Florida AND FILED THE FOREGOING NOTICE OF APPEAL TO THE UNITED STATES SUPREME COURT, WASHINGTON,D.C. with SID J. WHITE, Clerk Supreme Court of Florida received by Deputy Clerk, Betsy Hill, and she on August 4, 1987, mailed to Hon. Joseph Spaniol, Clerk, United States Supreme Court, Washington, D.C., 20543 with copies to Thomas L. Chapman, Appellant
Hon. Robert A. Butterworth

APPENDIX E

UNITED STATES CONSTITUTION, AMENDMENTS TO THE CONSTITUTION

(The first ten Amendments, usually called the Bill of Rights, went into effect December 15, 1791)

AMENDMENT 1.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the rights of the people peaceably to assemble, and to petition the government for a redress of grievances.

APPENDIX E

FLORIDA CONSTITUTION

ARTICLE 1

DECLARATION OF RIGHTS

SECTION 3. Religious freedom.-

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

SECTION 4. Freedom of speech and press.-

Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that

right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

SECTION 5. Right to assemble.-

The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

APPENDIX F

IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA CASE NUMBER MO81-1096-LD

VS. CHARGE: MAKING A SPEECH IN PUBLIC WITHOUT A PERMIT

THOMAS LEE CHAPMAN

NOTICE OF NO BILL

Virgil F. Compain, Assistant State Attorney, notice that the above styled cause is hereby NO BILLED for the following principle reason, to-wit:

Under Florida Constitution, every citizen has the right to publish his sentiments and no law should restrain or abridge his liberty of speech. The defendant in this case was exercising his constitutional right and was not in any manner or fashion uttering words that by their very nature involved danger to the public peace or to the security of the State; the defendant was preaching the gospel of the Lord.

APPENDIX F

Section 26.42 of the Code of the City of Lakeland, declaring that it is unlawful to make any speeches without first obtaining a permit from the city manager and granting the city manager "the right to cancel the permit when it seems advisable", violates the rights of the citizen granted by the State and Federal Constitution.

Dated this 28th day of May, 1981.

VIRGIL F. COMPAIN

ASSISTANT STATE ATTORNEY

C/O - Major John Simpson LPD

Thomas Chapman

Filed June 5, 1981

by E.D. "Bud" Dixon, Clerk

APPENDIX G

STATE OF FLORIDA, COUNTY OF POLK , OFFICE OF CLERK OF COURTS, CRIMINAL DIVISION

LOCATION: County Branch Court

109 N. Kentucky Av., Lakeland, FL.

NOTICE OF COURT DATE

TO: THOMAS LEE CHAPMAN CASE NUMBER

3705 GLENOAK DR., S. MM86-0693A1-LD

LAKELAND, FL. 33805

RE: STATE OF FLORIDA VS. CHAPMAN

CHARGE: BREACH OF PEACE

YOU ARE HEREBY NOTIFIED THAT THE ABOVE STYLED CASE HAS BEEN SET FOR DOCKETING BEFORE A JUDGE OF THE CIRCUIT OR COUNTY COURT, IN THE COURTROOM (LOCATION INDICATED ABOVE) AT 09:00 A.M. ON THE 24 DAY OF FEBRUARY, 1987.

E.D. "BUD" DIXON,CLERK OF COURTS

POLK COUNTY, FLORIDA BY D.C.

COPY TO: sao & probation officer 02/12/87
tyf

APPENDIX G

NOTICE TO APPEAR,COUNTY COURT OF POLK COUNTY

TRAFFIC DIVISION - CASE NO. MM86-0693A1-LD

STATE VS. CHAPMAN, THOMAS LEE

CHARGE: BREACH OF PEACE

STATE ATTORNEY: WILSON JUDGE: ANDREWS

DEFENDANT SENTENCE HAS BEEN AFFIRMED BY CIRCUIT COURT-PROBATION TO START AS OF THIS DAY PLUS COURT COST-DEFT.-APPEAL FILED W/2nd DCA

DOCKET TO CONTINUE 5-26-87 AT 09:00 A.M.

DATED 2-24-87

E.D. "BUD" DIXON,CLERK OF THE COUNTY COURT

SHERIFF BY D.C.

COURT DATE OF 5-26-87 RESET FOR 6-1-87

APPENDIX G

NOTICE TO APPEAR,COUNTY COURT OF POLK COUNTY

TRAFFIC DIVISION - CASE NO. MM86-0693A1-LD

STATE VS. CHAPMAN, THOMAS LEE

CHARGE: BREACH OF PEACE

STATE ATTORNEY: WILSON JUDGE: ANDREWS

SET FOR DOCKETING ON 2-24-87 AT 09:00 A.M.

(Notify deft, pob, SA)

DATED 2-9-87

E.D."BUD" DIXON, CLERK OF THE COUNTY COURT

SHERIFF BY D.C.

NOTICE TO APPEAR,COUNTY COURT OF POLK COUNTY

TRAFFIC DIVISION - CASE NO. MM86-0693A1-LD

STATE VS. CHAPMAN, THOMAS LEE

CHARGE: BREACH OF PEACE

STATE ATTORNEY: WILSON JUDGE: ANDREWS

RESET DOCKETING CONTINUED TO 9-1-87

(09:00 A.M.)

DATED 6-1-87

E.D."BUD" DIXON,CLERK OF THE COUNTY COURT

SHERIFF BY D.C.

APPENDIX G

NOTICE TO APPEAR,COUNTY COURT OF POLK COUNTY

TRAFFIC DIVISION-CASE NO. MM86-0693A1-LD

STATE VS. CHAPMAN, THOMAS LEE

CHARGE: BREACH OF PEACE

STATE ATTORNEY: WILSON JUDGE: ANDREWS

RESET DOCKETING/APPEAL FILED W/U.S.SUP.COURT

DOCK CONTINUED TO 1-11-88 at 09:00 A.M.

DATED 9-1-87

E.D."BUD" DIXON,CLERK OF THE COUNTY COURT

SHERIFF BY D.C.